

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DENMEL HOLDINGS, LLC, <i>et al.</i> ,	:	Case No. 3:11-cv-414
	:	
Plaintiffs,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
CHRISTMAS TREE SHOPS, INC., <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

This case is before the Court on Plaintiffs’ Notice of Dismissal with Prejudice (Doc. 9) and the Court’s previously filed Order directing Plaintiffs to prove service and move for an entry of default (Doc. 8). Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), plaintiffs “may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]” Here, Defendants have neither answered nor moved for summary judgment, and therefore, this case is **DISMISSED WITH PREJUDICE**.

The Court’s previous Order (Doc. 8) is **VACATED**. Further, the Clerk shall terminate this case on the Court’s docket.

IT IS SO ORDERED.

Date: February 21, 2012

s/ Timothy S. Black
Timothy S. Black
United States District Judge